IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6783 of 2007()

CRIME NO.299/07 OF PERINGOME POLICE STATION

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PETITIONER/ACCUSED (IN REMAND)

P.G.PRATHEESH, S/O.PLATHOTTATHIL
GOPI, 25 YEARS, BARBAR, KOZHICHAL,
PERINGOME VILLAGE, P.O.KOZHICHAL, KANNUR
DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SRI.M.M.ANTO

RESPONDENTS: COMPLAINANT

STATE-STATION HOUSE OFFICER,
PERINGOME POLICE STATION, PERINGOME,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO.6783 of 2007

Dated this the 7th day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations in a crime registered under Sec.376 of the IPC. The crux of the allegations is that the de facto complainant – a House nurse aged 26 years, was inducted to believe the promises of the petitioner that he would marry her and to have sexual intercourse with the petitioner from 14/1/07. A complaint was lodged ultimately on 18/10/07. The petitioner was promptly arrested on 19/10/07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There is no merit at all in the contention that the petitioner had ever promised to marry the de facto complainant or had sexual intercourse with her. In any view of the matter, the sequence of events alleged by the petitioner does itself show that there is no element of

coercion, compulsion or inducement to persuade the de facto complainant to give consent to the sexual intercourse. In any view of the matter, the petitioner does not deserve to remain in custody any longer, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application for regular bail and I am satisfied, in the facts and circumstances of this case as indicated above, that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and

Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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